

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3924 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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SAJUBHAI D JHALA

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioner

MR HL JANI for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/11/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner, an Unarmed Constable of the Police Department, filed this special civil application and prayer has been made by him for direction to the respondents to give him the deemed date of promotion on the post of Head Constable, Gr. II from the date on which his juniors were given the promotion.
3. It is not in dispute that the petitioner was given the promotion to the post of Head Constable Gr.II

on 4-4-1982 but he declined to accept this promotion. The learned counsel for the petitioner admits that once an employee declines the promotion then he shall not be considered for promotion for one year but the learned counsel for the petitioner made a grievance that after expiry of one year, the respondents have made the promotion of junior persons from 7-6-1983, 13-1-1984 and 28-2-1984.

4. It is admitted case of the petitioner that after filing of this special civil application the petitioner has been given the promotion on 1-4-1986. So now the substantial grievance of the petitioner does not survive. The only grievance remains of giving him the deemed date of promotion. For this grievance, the petitioner may make a representation to the respondent No.2 and if such a representation is made then the same shall be considered and decided within a period of three months from the date of receipt of the same. In case the petitioner's claim for deemed date of promotion is accepted then he shall be entitled for all the consequential benefits. In case the claim of the petitioner is not acceptable then the respondent No.2 shall pass a reasoned order and copy of the same may be sent to the petitioner by registered post. Liberty is granted to the petitioner for revival of this special civil application in case of difficulty. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

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